



EXHIBIT 8  
DATE 2/14/11  
HB 433

# MECA

*Montana Environmental Consultants Association*  
P.O. Box 2071 Kalispell, Mt. 59903

Re: House Bill 433

2/11/11

Dear members of the House Natural Resources Committee:

The Montana Environmental Consultants Association (MECA) is in full support of HB 433, which will protect the ability of an individual to drill a well on their own property. It is extremely important to protect this right to the small business and property owner. The reasons for protecting the exempt well for property owners are as follows:

1. It is important to codify what has been the understanding of the exempt well in the law because administrative rules are always subject to the politics of the moment, rather than what is in the best benefit of the people.
2. From reliable sources in State Government, we have heard that DNRC already has plans in the works to eliminate the allowance of the exempt well. Without any scientific peer reviewed studies. Therefore, it is imperative that the legislature protect the ability of a property owner to have an exempt well.
3. The economic impact of not codifying this has not been coordinated with any of the local governments or property owners affected in order to determine the economic impact eliminating the exempt well provision will cause. In our opinion the economic impact will be devastating to property owners, well drillers and local economies, which will cost us many jobs. We simply can not afford to hurt our fragile economy with the ill conceived idea of eliminating exempt wells for property owners.
4. The attempt to eliminate the exempt well is a one-size-fits all approach based on one isolated case and district court ruling. Each water aquifer has unique characteristics and ability to provide water to consumers. It is simply not right to punish all Montana property owners just because one isolated area has had a problem.
5. The desert lands act of 1877 passed by congress and enacted into law, mandates to all the states that whatever water is unappropriated is to be appropriated. If there is a contention that aquifer is in fact over appropriated, then the proper venue is to litigate this in a water court. It is not to appropriate to pass an arbitrary one-size-fits all rule not in harmony with this act.

Thank you for your consideration,

Jeff H. Larsen, PE, PLS Vice-president MECA